

**JUDICIAL COUNCIL OF CALIFORNIA
ADMINISTRATIVE OFFICE OF THE COURTS**
455 Golden Gate Avenue
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Report

TO: Members of the Judicial Council

FROM: Ms. Christine Hansen, Director
Finance Division 415-865-7951

DATE: April 16, 2001

SUBJECT: Miscellaneous Budget Allocation Items (Action Required)

I. \$12,950,000 Negotiated Salary Increases (NSIs) for Fiscal Year 1999–2000

Issue Statement

NSIs totaling \$32.95 million were identified in fiscal year 1999–2000 by the trial courts for court and security staff. The Judicial Council allocated and approved \$20 million in NSI funding to the trial courts from funds appropriated in the Budget Act of 1999. This left an unfunded balance of \$12.95 million. This is a one-time allocation as the courts have already received ongoing funding for these costs in the current year. This allocation will reimburse courts for these NSI costs that they have had to fund in fiscal year 1999–2000 from other areas of their operational budget.

The \$12.95 million in deficiency funding was recently approved by the Legislature. Attachment A is a funding distribution schedule, which lists the courts original funding request. Column A indicates the court staff NSIs and pay equity adjustments (PEAs) and column B displays the court security staff NSIs. The two are totaled in column C. The amount received by courts from the \$20 million contained in the Budget Act of 1999 is displayed in Column D. The balance of the unmet NSI need is itemized in Columns E and F and summarized in Column G.

Recommendation

Staff recommends that the \$12.95 million be distributed to the trial courts as indicated on Attachment A, Column G to satisfy the remaining unfunded fiscal year 1999–2000 NSIs.

Alternative Actions Considered

No alternatives were considered. The proposed recommendation is based on the courts request. It provides implementing year funding only, for NSIs which have already been provided to the courts in ongoing funding in the following fiscal year (FY 2000–2001).

Comments from Interested Parties

This item was not circulated for comment.

Implementation Requirements and Costs

This recommendation results in no additional costs as the funding has already been provided.

II. Extraordinary Expenses in Mariposa County Homicide Case

Issue Statement

The Superior Court of Mariposa County has requested emergency funding for unbudgeted expenditures that they have been required to make this fiscal year. Under Government Code section 77209, a reserve of one percent of the annual appropriation of the trial courts is maintained each year by the Judicial Council. At least one-half of this amount is to be set aside as a reserve and shall not be allocated prior to March 15 of each year unless it is allocated to a court or courts for urgent needs. This report presents staff recommendations for the allocation of funding from the reserve to the Superior Court of Mariposa County for urgent needs.

The triple homicide case of *People vs. Cary Anthony Stayner* is currently awaiting trial before the Superior Court of Mariposa County. This case has received substantial publicity for a variety of reasons. At the present time, the case is scheduled for preliminary hearing in June of 2001. The court is requesting reimbursement for extraordinary costs that they have expended to date on this case. While these amounts are quite modest at present, the court has the fourth

smallest baseline budget of all 58 courts. Absorbing these costs has been and will continue to be a strain on their operations budget. The extraordinary costs already incurred include the following:

Item	Date	Cost
Security costs for arraignment	12/6/00	\$1,876
Court reporting costs for arraignment	12/6/00	\$ 184
Department of Justice cost for fingerprint background checks run for reporters requesting permanent press passes for the case.	2/9/00	\$ 64
Same as previous for additional reporters.	3/13/01	\$ 256
Costs for creation of web page devoted to providing internet access for the case (resulting in the need for fewer calls to the court).	3/20/01	\$ 597
Security costs for hearing on motion to continue preliminary hearing.	3/5/01	\$1,790
Court reporting costs for the hearing on the motion to continue.	3/5/00	\$ 160
Total to Date:		\$4,928

Recommendation

Staff recommends that the Judicial Council approve the one-time payment of \$4,928 to the Superior Court of Mariposa County to address these costs. In addition, the court estimates that the preliminary hearing will take 10 days and cost approximately \$50,000, primarily for daily reporter transcripts and security costs. While it is difficult to assess how long the actual trial of the case may last, the court administrator estimates that it could take up to six times as long as the preliminary hearing, and would cost up to \$300,000, again, primarily consisting of daily reporter transcripts and security costs.

Due to the limited nature of this court's baseline budget and the difficulty it would have in absorbing these costs until the trial is concluded, and the sensational nature of the case itself which will undoubtedly draw widespread media attention, staff requests that the Judicial Council delegate to it the authority to provide to the court as needed, up to \$350,000 in one-time funding through the end of the trial. Reimbursements would only be made to the court based on actual expenditures as provided in writing by the court administrator.

Alternative Actions Considered

The alternatives considered were to (1) request the \$4,928 now and then wait until the trial of the case was completed before requesting additional funding, or to (2)

wait until the trial was completed before requesting any funding. Because of the size of the court and its budget, the decision was made to request the \$4,928 at this time and request delegation of authority to reimburse the court for the trial costs as soon as they are known. In this way a minimum amount of waiting will be required on the court's part before they can receive reimbursement for these possibly very significant costs.

Implementation Requirements and Costs

The estimated total cost for this item is \$355,000. While this is a significant amount of money, the need for the funding is one-time in nature and sufficient one-time funds are available from the one-percent reserve.

III. Authority to Allocate Year End Savings

Issue Statement

Staff requests that the Judicial Council delegate to the Administrative Director of the Courts the authority to allocate one-time year end savings, if available, each year. These are trial court funds that are only available to be used before June 30 of each year. The extent of these savings would not be known until very near the end of each fiscal year, providing insufficient time to go through the normal process for recommending allocation of funding to the council. This delegation of authority would allow the Administrative Director of the Courts to determine where one-time funding needs exist in the courts and to allocate the available funds as needed in a relatively short period of time. For this fiscal year, this delegation will allow the AOC to allocate funds for underreporting or deficiency issues that are either currently lacking information or pending decisions on the 2001–2002 budget.

Recommendation

Staff recommends that the Judicial Council delegate to the Administrative Director of the Courts the authority to allocate one-time year-end savings, if available, each year.

Alternative Actions Considered

The alternative to receiving this delegation is to have these funds revert back to the General Fund each year. Because courts do have one-time needs but the amount of funding available to address the needs will not be known until very near the end of the fiscal year, staff is requesting the ability to wait until that time to allocate

the available funds to the courts on a one-time basis each year, rather than having to come before the council at a time when the available funding is not year known.

Comments from Interested Parties

This item was not circulated for comment.

Implementation Requirements and Costs

This recommendation will not require additional funding. It will utilize only one-time funding that is available at the end of the fiscal year.

IV. Allocation of Funding for Fiscal Year 2000–2001 Security NSIs

Issue Statement

The Budget Act of 2000 contained \$57.5 million to fund NSIs. This includes: (a) \$12.95 million to address the remaining unfunded balance of fiscal year 1999–2000 NSIs, and (b) \$7.21 million to address the annualization of fiscal year 1999–2000 NSIs (to be realized in fiscal year 2000–2001), and \$37.3 million for to address fiscal year 2000–2001 NSIs. Approximately \$30.1 million of the \$37.3 million for fiscal year 2000–2001 has been allocated to the trial courts for their court employees on the basis of a 4 percent increase for ten months and \$128 dollars per person for medical benefits. The remaining \$7.2 million is to be allocated to the trial courts for their security staff.

Courts provided their fiscal year 2000–2001 security NSI information to staff in two ways: (a) through the fiscal year 2000–2001 budget process and (b) as an update to the fiscal year 2001–2002 budget process. The later process was utilized because many courts did not know what their fiscal year 2000–2001 security NSIs would be at the time of the submission of that year’s NSI request to the Governor and Legislature. Every court that indicated through either process that they had security NSIs implemented in fiscal year 2000–2001 was contacted by staff to verify that these NSIs actually occurred during the fiscal year. This is the information that was used in the recommendation for this item.

Recommendation

Staff recommends that the Judicial Council allocate funding for fiscal year 2000–2001 implementing year costs for security NSIs as indicated in Attachment B, column G. Please note that one court, the Superior Court of Napa County, has not

yet verified their NSI. Should staff receive verification, the court will be included in the allocation.

Alternative Actions Considered

Staff considered allocating the funding on some basis to all 58 court systems. This alternative was not recommended because many courts have verified NSIs for their security staff that were implemented in fiscal year 2000–2001. This funding is ongoing in nature and the annualized amount of funding needed for these NSIs (see column H of Attachment B) will absorb nearly the entire amount of funding available. Staff recommends that these funds be allocated for the purpose for which the funding was provided, rather than providing funding to all courts regardless of their need for NSI funding.

Comments from Interested Parties

This item was not circulated for comment.

Implementation Requirements and Costs

This recommendation results in no additional costs as funding has already been provided.

V. Allocation for Elder and Dependent Adult Abuse

Issue Statement

The Budget Act of 2000 provides \$1.175 million for fiscal year 2000–2001 to address workload associated with the processing of elder and dependent adult protective orders, as provided for in Assembly Bill 59 (Stats. 1999, ch. 561). The legislation authorizes elders and dependent adults to seek emergency protective orders to protect them from non-relative cohabitants under the Domestic Violence Protection Act (DVPA) for non-financially related abuses. It also creates a new protective order for elder and dependent adult abuse that includes financial abuse.

Courts are not permitted to charge filing fees for a petition or response relating to a protective order. It was believed that the legislation would increase the number of petitions courts would receive. The AOC sought, and was authorized funding to offset the cost of the additional work resulting from passage of this bill. The budget bill language requires that these funds may only be used for processing elder and dependent adult abuse protective orders. Any funds that are not used for this purpose must revert to the General Fund. The \$1.175 million was based on an

estimate of approximately 6,358 of these new orders being filed annually and applying a \$185 filing fee for estimated costs to the courts of processing the orders. This funding must be allocated by the end of the fiscal year or it will revert to the General Fund.

A couple of methodologies are being considered. In the longer term, it is possible that this item can be added to the Judicial Branch Statistical Information System (JBSIS), which would mean that the courts would report this information to the AOC on a monthly basis. Changes to JBSIS, however, will not be made for at least a year. In the meantime, staff is considering the following alternative methodologies: (a) having the courts report, on a regular basis, the number of these types of petitions that are filed and (b) providing each court with an allocation based perhaps on the number of authorized judicial position, or some other accepted number, and indicating to them that they must spend the money on elder and dependent adult abuse issues.

The concern with allocating the funds using the first option is that it appears many courts are not currently capturing the number of elder and dependent abuse filings. Because the level of funding is so low, and the possibility that some courts may not have received any of these filings, requiring them to report to the AOC on these filings may be more work than it is worth for them, and the AOC may not receive accurate information from them.

Recommendation

Staff recommends that the Judicial Council delegate authority to staff to allocate this funding before the end of the fiscal year.

Alternative Actions Considered

As mentioned in the Issue Statement section above, a few alternatives are being considered.

Comments from Interested Parties

This item was not circulated for comment; however, staff has contacted several court administrators to solicit their input.

Implementation Requirements and Costs

This recommendation will result in no additional cost as funding has already been provided.